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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,498	03/30/2004	John Anderson Campbell	EMC04-12(04036)	3238

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EXAMINER
VERDI, KIMBLEANN C

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/812,498	CAMPBELL, JOHN ANDERSON
	Examiner	**Art Unit**	
	KimbleAnn Verdi	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after t he mailing date of this communication, even if timely filed, may re duce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 March 2004_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 April 2004_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

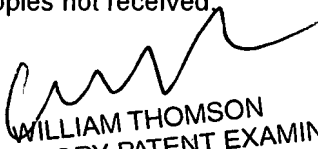11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action is in response to the Application filed on March 30, 2004. Claims 1-26

are pending in the current application.

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they do not include the following reference sign(s) mentioned in the

description: 118 "Manageable Entity Type, disclosed on page 14, line 20.

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference character(s) not mentioned in the

description: 204, Figure 2, 309 and 310, Figure 3.

3.   Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to

the specification to add the reference character(s) in the description in compliance with

37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

Specification

4.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Abstract exceeds the limit of 150 words.

5.   The use of the trademark JAVA™, EMC™, EMC CONTROLCENTER™ has been

noted in this application. It should be capitalized wherever it appears and be

accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.   Claims 24 and 25 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

With respect to claim 24, the "computer readable medium," in accordance with

Applicant's specification, may be baseband signaling or broadband signaling. This

subject matter is not limited to that which falls within a statutory category of invention

because it is not limited to a process, machine, manufacture, or a composition of matter.

Instead, it includes a form of energy. Energy does not fall within a statutory category

since it is clearly not a series of steps or acts to constitute a process, not a mechanical

device or combination of mechanical devices to constitute a machine, not a tangible

physical article or object which is some form of matter to be a product and constitute a

manufacture, and not a composition of two or more substances to constitute a

composition of matter.

With respect to claim 25, the "computer data signal," is directed to a signal, which

is not statutory.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by United

States Patent Application Publication 2002/013857 A1 to Trinon et al. (hereinafter

Trinon).

10.   As to claim 1, Trinon teaches in a storage area network, a method for identifying

the impact of event occurrences comprising:

identifying a configuration of managed entities of interest in the storage area

network (paragraph [0110]);

determining relations between the managed entities of interest and other managed entities in the storage area network (paragraphs [0110]-[0111]), the relations indicative of an event at a managed entity having an affect on another managed entity (paragraphs [0110] -[0111]);

registering for notification of events affecting, based on the determined relations, the identified manageable entities (paragraph [0020]);

receiving an indication of an event affecting a registered manageable entity (paragraph [0020]); and

determining, via the determined relations, other manageable entities affected by the received event (paragraph [0016]).

11.   As to claim 2, Trinon teaches the method of claim 1 wherein determining the other manageable entities further involves:

traversing the relations between managed entities from the manageable entity directly affected by the event (paragraphs [0110] -[0113]); and

identifying, from the traversing, manageable entities of interest affected by the received event (paragraphs [0110] -[0113]).

12.   As to claim 3, Trinon teaches the method of claim 2 further comprising storing the relations between the manageable entities, the relations operable to be mapped in response to corresponding events (paragraph [0016]).

13.   As to claim 4, Trinon teaches the method of claim 3 wherein determining affected manageable entities further comprises:

traversing a mapping of events and affected manageable entities (paragraph

[0016]);

matching the received event to the mapping of events and affected manageable

entities (paragraph [0016]); and

traversing the relations using the manageable entity corresponding to the

matching event to determine affected manageable entities (paragraph [0016]).

14.   As to claim 5, Trinon teaches the method of claim 1 wherein determining the

relations further comprises parsing the manageable entities to identify managed entities

of interest, the managed entities of interest including managed entities effected directly

or indirectly by an event at another managed entity (paragraphs [0085] and [0111]-

[0112]).

15.   As to claim 6, Trinon teaches the method of claim 1 wherein registering for

notification of events affecting manageable entities of interest further comprises

identifying types of events affecting a particular manageable entity and other

manageable entities of interest relative to the particular manageable entity based on the

determined relations (paragraphs [0022]-[0023]).

16.   As to claim 7, Trinon teaches the method of claim 1 wherein determining the

affected managed entities further comprises invoking a relation service operable to

identify other managed entities effected by a particular managed entity according to the

relations (paragraph [0016]).

17.   As to claim 8, Trinon teaches the method of claim 1 wherein determining affected

managed entities further comprises traversing a cache of effected managed entities

(paragraph [0026]) and selectively invoking the relation service if no match is found in the cache (paragraph [0016]).

18.   As to claim 9, Trinon teaches the method of claim 1 wherein identifying the configuration further comprises:

determining, based on a set of business processes, business operations dependent on particular manageable entities (paragraphs [0015]-[0016]); and

designating the determined manageable entities as manageable entities of interest (paragraph [0016]).

19.   As to claim 10, Trinon teaches the method of claim 1 further comprising integrating, via an adaptor, an indication of the identified manageable entity of interest and the triggering event with a service impact monitor operable to apply the manageable entity of interest to determine affected business processes (paragraphs [0029] and [0113]).

20.   As to claim 11, Trinon teaches a method for correlating operational events with enterprise processes to evaluate impact of network occurrences comprising:

identify a model of events and objects (paragraph [0110]), the model operable to enumerate events corresponding to objects (paragraph [0110]) and further operable to enumerate objects corresponding to other objects via a relation (paragraphs [0110] - [0111]);

selecting, based on a level of overview scrutiny of the network, objects indicative of performance to monitor (paragraphs [0098] and [0101]);

enumerating events operable to affect the selected object to be monitored

(paragraph [0110]);

building, by observing interconnections between the objects, virtual relationships

between objects, the interrelations indicative of a dependency relation between objects

(paragraphs [0110] -[0113]);

identify events directly affecting at least one of the selected objects (paragraphs

[0110] -[0113]);

traverse the built virtual relationships to determine objects indirectly affected by

the identified directly affected object (paragraph [0016]);

registering with an event service to receive events corresponding to an

occurrence of an enumerated event (paragraph [0020]);

awaiting an occurrence corresponding to a registered event (paragraph [0020]);

reporting the event and the indirectly, affected objects (paragraph [0020], [0071],

and [0073]; and

identifying, in a SIM manager, enterprise processes corresponding to the

indirectly affected objects (paragraphs [0029] and [0113]).

21.   As to claim 12, Trinon teaches the method of claim 11 wherein objects are

manageable entities in a storage area network, the manageable entities responsive to a

server and console controlling the storage area network (paragraph [0110]).

22.   As to claim 13, Trinon teaches the method of claim 11 further comprising:

displaying via a graphic output device, the affected manageable entities

(paragraphs [0066] and [0070]); and

tagging affected objects indicative of the sequence of relations affecting

successive objects, the tagging indicative of direct and indirect impact of the events

(paragraphs [0066] and [0110]).

23.   As to claims 14-23, these claims are rejected for the same reasons as claims 1-

10 respectively, see the rejections to claims 1-10 above.

24.   As to claim 24, this claim is rejected for the same reasons as claim 1, see the

rejection to claim 1 above.

25.   As to claim 25, this claim is rejected for the same reasons as claim 1, see the

rejection to claim 1 above.

26.   As to claim 26, this claim is rejected for the same reasons as claim 1, see the

rejection to claim 1 above.

Conclusion

27.   The prior art made of record on the accompanying PTO-892 and not relied upon,

is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KimbleAnn Verdi whose telephone number is (571) 270-

1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Thomson can be reached on (571) 272-3718. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KV
August 17, 2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER